



**Office of the United States Attorney
District of Arizona**

PRESS RELEASE

FOR IMMEDIATE RELEASE
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TWO MEMBERS OF SAN CARLOS APACHE TRIBE INDICTED FOR DRUG TRAFFICKING

PHOENIX -- The U.S. Attorney's Office for the District of Arizona announced that on June 28, 2005, a federal grand jury in Phoenix, returned a 3 count indictment against Daniel King, 49 and Florena McIntosh Smith, 44 of San Carlos, Arizona.

The indictment alleges that from December 2004 until January 2005 the two defendants conspired to possess with the intent to distribute methamphetamine. Additionally, defendant King is charged with possession with the intent to distribute methamphetamine as well as distribution of methamphetamine within 1000 feet of the Gilson Wash Head Start School, which is a federally funded kindergarten.

The federal indictment charges the defendants with violating Title 21 of the United States Code, Sections 860, 846 and 841.

A conviction for the drug conspiracy and possession with the intent to distribute carries a maximum penalty of 40 year(s), a \$2,000,000.00 fine or both. Additionally, because narcotics were distributed within 1000 feet of a school the penalties for a conviction under Title 21 United States Code, Section 841 can be doubled. In determining an actual sentence, the assigned District Court judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

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The investigation preceding the indictment was conducted by the Bureau of Indian Affairs, Law Enforcement Services as well as the San Carlos, Tribal Police.

The prosecution is being handled by Steven P. Logan, Assistant U.S. Attorney, District of Arizona.

CASE NUMBER: CR-05-0628-PHX
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